

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

AUG 29 2005

(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.

14418

In Re Application of: **Benjamin E. Reubinoff, et al.**

Application No.

09/808,382

Filing Date

March 14, 2001

Examiner

Deborah Crouch

Customer No.

23389

Group Art Unit

1632

Confirmation No.

1139

Title: **EMBRYONIC STEM CELLS AND NEURAL PROGENITOR CELLS DERIVED THEREFROM**

Address to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☐ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

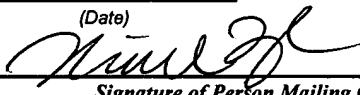
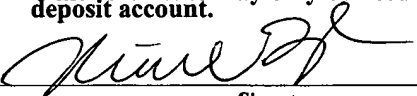
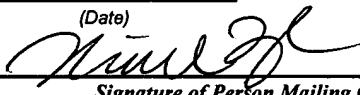
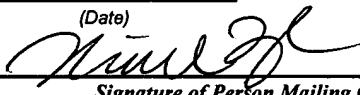
37 CFR 1.97(c)

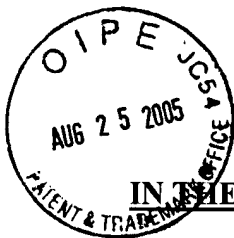
2. ☒ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☒ the statement specified in 37 CFR 1.97(e);

OR

☐ the fee set forth in 37 CFR 1.17(p).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))				Docket No. 14418					
In Re Application of: Benjamin E. Reubinoff, et al.									
Application No. 09/808,382	Filing Date March 14, 2001	Examiner Deborah Crouch	Customer No. 23389	Group Art Unit 1632	Confirmation No. 1139				
Title: EMBRYONIC STEM CELLS AND NEURAL PROGENITOR CELLS DERIVED THEREFROM									
<p align="center">Payment of Fee (Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))</p> <p><input type="checkbox"/> A check in the amount of _____ is attached.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 19-1013/SSMP as described below.</p> <p><input type="checkbox"/> Charge the amount of _____</p> <p><input type="checkbox"/> Credit any overpayment.</p> <p><input checked="" type="checkbox"/> Charge any additional fee required.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <table border="1"><thead><tr><th>Certificate of Transmission by Facsimile*</th><th>Certificate of Mailing by First Class Mail</th></tr></thead><tbody><tr><td><p>I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fa</p><p>_____ (Date)</p><p>_____ Signature</p><p>_____ Typed or Printed Name of Person Signing Certificate</p></td><td><p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</p><p>August 23, 2005 (Date)</p><p> Signature of Person Mailing Correspondence</p><p>Xiaochun Zhu</p><p>_____ Typed or Printed Name of Person Mailing Certificate</p></td></tr></tbody></table> <p>*This certificate may only be used if paying by deposit account.</p> <p> Signature</p> <p>Dated: August 23, 2005</p> <p>Xiaochun Zhu Registration No. 56,311 Scully, Scott, Murphy & Presser 400 Garden City Plaza-STE 300 Garden City, New York 11530 (516) 742-4343</p> <p>cc: XZ:ab</p>						Certificate of Transmission by Facsimile*	Certificate of Mailing by First Class Mail	<p>I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fa</p> <p>_____ (Date)</p> <p>_____ Signature</p> <p>_____ Typed or Printed Name of Person Signing Certificate</p>	<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</p> <p>August 23, 2005 (Date)</p> <p> Signature of Person Mailing Correspondence</p> <p>Xiaochun Zhu</p> <p>_____ Typed or Printed Name of Person Mailing Certificate</p>
Certificate of Transmission by Facsimile*	Certificate of Mailing by First Class Mail								
<p>I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fa</p> <p>_____ (Date)</p> <p>_____ Signature</p> <p>_____ Typed or Printed Name of Person Signing Certificate</p>	<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</p> <p>August 23, 2005 (Date)</p> <p> Signature of Person Mailing Correspondence</p> <p>Xiaochun Zhu</p> <p>_____ Typed or Printed Name of Person Mailing Certificate</p>								



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Benjamin E. Reubinoff, et al.

Examiner: Deborah Crouch

Serial No.: 09/808,382

Art Unit: 1632

Filed: March 14, 2001

Docket: 14418

For: EMBRYONIC STEM CELLS
AND NEURAL PROGENITOR
CELLS DERIVED THEREFROM

Date: August 23, 2005

Confirmation No.: 1139

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 23, 2005


Xiaochun Zhu

1. Sang-Hun Lee, et al., "Efficient generation of midbrain and hindbrain neurons from mouse embryonic stem cells", Nature Biotechnology, 18: 675-679 (2000);
2. Diana L. Clarke, et al., "Generalized Potential of Adult Neural Stem Cells, Science, 288: 1660-1663 (2000); and
3. Australian Patent Application No. 2001263199, published November 26, 2001 (which corresponds to International Publication No. WO01/88104).

Applicants are submitting copies of the above-cited references.

The references were cited in an Opposition filed on August 3, 2005 with the Australian Patent Office in a related Australian Patent Application No. 779694.

The following references were also cited in the Opposition, but were already submitted in either the Information Disclosure Statement dated June 29, 2001 or the Information Disclosure Statement dated April 29, 2004, and therefore copies are not provided:

M. Li, et al., "Generation of Purified Neural Precursors from Embryonic Stem Cells by Lineage Selection", Current Biology, 8(17): 971-974 (1998); T. Mujtaba, et al., "Lineage-Restricted Neural Precursors Can Be Isolated from Both the Mouse Neural Tube and Cultured ES Cells", Developmental Biology, 214: 113-127 (1999); O. Brustle, et al. "Embryonic stem cell-derived glial precursors: A source of myelinating transplants" Science, 285: 754-756 (1999); M. Shamblott, et al. "Derivation of pluipotent stem cells from cultured human primordial germ cells" The National Academy of Science, 95: 13726-13731 (1998); Australian Patent Application No. 25106/99, published July 12, 1999 (which corresponds to International Publication No. WO 99/32606); and B. E. Reubinoff, et al. "Embryonic stem cell lines from human blastocysts: somatic differentiation in vitro" Nature Biotech. 18: 399-404 (2000).

The undersigned attorney hereby states that each item of References Nos. 1-3 was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Consideration of this Information Disclosure Statement is respectfully requested, since the art provided may be material to the examination of the present application as defined under 37 C.F.R. §1.56.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. § 1.97(c)(e), no fee is required.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Xiaochun Zhu', written in a cursive style.

Xiaochun Zhu
Registration No. 56,311

Scully, Scott, Murphy & Presser
400 Garden City Plaza-STE 300
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Form PTO-1449 U.S. DEPARTMENT OF COMMERCE (REV. 7-80) PATENT AND TRADEMARK OFFICE		Atty. Docket No. (Optional) 14418		Application Number 09/808,382	
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)		Applicant(s) Benjamin Reubinoff, et al.			
Filing Date March 14, 2001		Group Art Unit 1632			

O I P E J C S & A
 AUG 25 2005
 PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)
	AA						
	AB						
	AC						
	AD						
	AE						

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		2001263199	11/26/01	Australia				

OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>	
	Sang-Hun Lee, et al., "Efficient generation of midbrain and hindbrain neurons from mouse embryonic stem cells", <u>Nature Biotechnology</u> , 18: 675-679 (2000)
	Diana L. Clarke, et al., "Generalized Potential of Adult Neural Stem Cells, <u>Science</u> , 288:1660-1663 (2000)

EXAMINER	DATE CONSIDERED
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.